



# House of Representatives

General Assembly

**File No. 276**

*January Session, 2001*

House Bill No. 6578

*House of Representatives, April 12, 2001*

The Committee on Transportation reported through REP. COCCO of the 127th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

## **AN ACT CONCERNING THE HEALTH AND SAFETY OF CHILDREN IN MOTOR VEHICLES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 14-100a of the general statutes is repealed and the following  
2 is substituted in lieu thereof:

3 (a) No new passenger motor vehicle may be sold or registered in  
4 this state unless equipped with at least two sets of seat safety belts for  
5 the front and rear seats of the motor vehicle, which belts comply with  
6 the requirements of subsection (b) of this section. The anchorage unit  
7 at the attachment point shall be of such construction, design and  
8 strength as to support a loop load strength of not less than four  
9 thousand pounds for each belt.

10 (b) No seat safety belt may be sold for use in connection with the  
11 operation of a motor vehicle on any highway of this state unless it is so  
12 constructed and installed as to have a loop strength through the

13 complete attachment of not less than four thousand pounds, and the  
14 buckle or closing device shall be of such construction and design that  
15 after it has received the aforesaid loop belt load it can be released with  
16 one hand with a pull of less than forty-five pounds.

17 (c) (1) The operator of and any front seat passenger in a private  
18 passenger motor vehicle, as defined in subsection (e) of section 38a-  
19 363, fire fighting apparatus or a vanpool vehicle equipped with seat  
20 safety belts complying with the provisions of the Code of Federal  
21 Regulations, Title 49, Section 571.209, as amended from time to time,  
22 shall wear such seat safety belt while the vehicle is being operated on  
23 the highways of this state, except that a child under the age of [four]  
24 five years shall be restrained as provided in subsection (d) of this  
25 section. Each operator of such vehicle shall secure or cause to be  
26 secured in a seat safety belt any passenger [four] five years of age or  
27 older and under sixteen years of age.

28 (2) The provisions of subdivision (1) of this subsection shall not  
29 apply to any person whose physical disability or impairment would  
30 prevent restraint in such safety belt, provided such person obtains a  
31 written statement from a licensed physician containing reasons for  
32 such person's inability to wear such safety belt and including  
33 information concerning the nature and extent of such condition. Such  
34 person shall carry the statement on his or her person or in the motor  
35 vehicle at all times when it is being operated.

36 (3) As used in this subsection, "private passenger motor vehicle"  
37 does not mean an authorized emergency vehicle, other than fire  
38 fighting apparatus, responding to an emergency call or a motor vehicle  
39 operated (A) by a rural letter carrier of the United States postal service  
40 while performing [his] such carrier's official duties, or (B) by a person  
41 engaged in the delivery of newspapers.

42 (4) Failure to wear a seat safety belt shall not be considered as  
43 contributory negligence nor shall such failure be admissible evidence

44 in any civil action.

45 (5) On and after February 1, 1986, any person who violates the  
46 provisions of this subsection shall have committed an infraction and  
47 shall be fined fifteen dollars. Points may not be assessed against the  
48 operator's license of any person convicted of such violation.

49 (d) Any person who transports a child under the age of [four years,  
50 weighing less than forty pounds,] five years in a motor vehicle on the  
51 highways of this state shall provide and require the child to use a child  
52 restraint system approved pursuant to regulations adopted by the  
53 Department of Motor Vehicles in accordance with the provisions of  
54 chapter 54. [Any person who transports a child under the age of four  
55 years, weighing forty or more pounds, in a motor vehicle on the  
56 highways of this state shall either provide and require the child to use  
57 an approved child restraint system or require the child to use a seat  
58 safety belt.] As used in this subsection, "motor vehicle" does not mean  
59 a bus having a tonnage rating of one ton or more. Failure to use a child  
60 restraint system shall not be considered as contributory negligence nor  
61 shall such failure be admissible evidence in any civil action. Any  
62 person who violates the provisions of this subsection shall, for a first  
63 violation, have committed an infraction; for a second violation, be  
64 fined not more than one hundred ninety-nine dollars; and, for a third  
65 or subsequent violation, be guilty of a class A misdemeanor. The  
66 commissioner shall require any person who has committed a first or  
67 second violation of the provisions of this subsection to attend a child  
68 car seat safety course offered or approved by the Department of Motor  
69 Vehicles. The commissioner may, after notice and an opportunity for a  
70 hearing, suspend for a period of not more than two months the motor  
71 vehicle operator's license of any person who fails to attend or  
72 successfully complete the course.

73 (e) The commissioner shall administer the provisions of this section.

**PH**      *Joint Favorable C/R*

TRA

**TRA**      *Joint Favorable*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** Minimal Revenue Gain

**Affected Agencies:** Judicial Department

**Municipal Impact:** None

**Explanation****State Impact:**

The bill would result in a minimal revenue gain to the state from additional impositions of seatbelt-related infractions. Currently the state collects about \$67,000 per year from infractions related to the lack of use of seatbelts for those under sixteen years of age. About two-thirds of this revenue is related to transporting a child under the age of four and weighing less than 40 pounds without an approved child restraint system. The current level of infraction in these cases is \$37.

**OLR Bill Analysis**

HB 6578

***AN ACT CONCERNING THE HEALTH AND SAFETY OF CHILDREN  
IN MOTOR VEHICLES.*****SUMMARY:**

This bill requires children up to age five to be placed in an approved child restraint seat when they are driven in a motor vehicle. Under current law, a child under age four must be placed in a child restraint seat if he weighs less than 40 pounds or, if he weighs more, in a restraint seat or seat belt. The bill also raises from four to five the minimum age when a child must begin to use a seat belt.

By law, a person found a first time to have failed to require a child to use a child restraint seat commits an infraction. A second violation subjects him to a fine of up to \$199. Anyone who commits a first or second violation must attend a Department of Motor Vehicle car seat safety course. If he does not attend, the commissioner can suspend his license for up to two months after notice and a hearing. A third violation of the child restraint requirement is a class A misdemeanor.

EFFECTIVE DATE: October 1, 2001

**BACKGROUND*****Penalties***

Infractions are punishable by fines, usually set by Superior Court judges, of between \$35 and \$90, plus an additional fee based on the amount of the fine and a \$20 surcharge. Currently, the total payment due for failure to secure a child in a restraint system is \$60. An infraction is not a crime; thus violators do not have criminal records and can pay the fine by mail without making a court appearance.

A class A misdemeanor is punishable by a fine of up to \$2,000, up to one year in prison, or both.

**COMMITTEE ACTION**

Public Health Committee

Joint Favorable Change of Reference

Yea 24      Nay 0

Transportation Committee

Joint Favorable Report

Yea 21      Nay 7